

**House File 2124 - Introduced**

HOUSE FILE 2124

BY ANDERSON

**A BILL FOR**

1 An Act exempting certain animals from requirements relating to  
2 rabies vaccinations, and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **351.1 Definitions.**

2     As used in this chapter, unless the context otherwise  
3 requires:

4     1. "*Department*" means the department of agriculture and land  
5 stewardship.

6     2. "*Rabies security certificate*" means a rabies vaccination  
7 certificate or rabies vaccination exemption certificate issued  
8 as evidence of compliance with rabies security requirements as  
9 provided in section 351.24.

10    3. "*Rabies security tag*" means a rabies vaccination tag  
11 or rabies vaccination exemption tag issued as evidence of  
12 compliance with rabies security requirements as provided in  
13 section 351.24.

14    Sec. 2. NEW SECTION.   **351.24 Evidence of compliance with**  
15 **rabies security requirements — certificates and tags.**

16    1. A veterinarian licensed under chapter 169 shall issue  
17 evidence of compliance with requirements for rabies security to  
18 the owner of a dog or other animal as provided in this chapter  
19 and as required by the department under this chapter or by a  
20 local board of health under section 351.41.

21    2. The evidence of compliance with requirements for rabies  
22 security must be one of the following:

23     *a.* A rabies vaccination certificate and rabies vaccination  
24 tag which are proof that the dog or other animal has received a  
25 vaccination for rabies as provided in this chapter.

26     *b.* A rabies vaccination exemption certificate and rabies  
27 vaccination exemption tag which provide that the dog or  
28 other animal is not required to receive a rabies vaccination  
29 otherwise required under this chapter. A veterinarian must  
30 have examined the owner's dog or other animal and determined  
31 that a rabies vaccination would threaten the life or seriously  
32 impair the health of the dog or other animal.

33    3. A rabies vaccination certificate must be clearly  
34 distinguishable from a rabies vaccination exemption certificate  
35 and a rabies vaccination tag must be clearly distinguishable

1 from a rabies vaccination exemption tag.

2 4. A rabies security tag issued pursuant to this section  
3 must at all times be attached to the collar of the dog for which  
4 it was issued.

5 Sec. 3. Section 351.25, Code 2014, is amended to read as  
6 follows:

7 **351.25 Dog as property.**

8 All dogs under six months of age, and all dogs over said age  
9 and wearing a collar attached with a valid rabies ~~vaccination~~  
10 security tag ~~attached to the collar~~, shall be deemed property.  
11 Dogs not provided with a rabies ~~vaccination~~ security tag shall  
12 not be deemed property.

13 Sec. 4. Section 351.26, Code 2014, is amended to read as  
14 follows:

15 **351.26 Right and duty to kill untagged dog.**

16 It shall be lawful for any person, and the duty of all peace  
17 officers within their respective jurisdictions unless such  
18 jurisdiction shall have otherwise provided for the seizure  
19 and impoundment of dogs, to kill any dog for which a rabies  
20 ~~vaccination~~ security tag is required, when the dog is not  
21 wearing a collar attached with a ~~rabies vaccination~~ security  
22 tag ~~attached~~.

23 Sec. 5. Section 351.27, Code 2014, is amended to read as  
24 follows:

25 **351.27 Right to kill tagged dog.**

26 It shall be lawful for any person to kill a dog, wearing  
27 a collar attached with a rabies ~~vaccination~~ security tag  
28 ~~attached~~, when the dog is caught in the act of chasing,  
29 maiming, or killing any domestic animal or fowl, or when such  
30 dog is attacking or attempting to bite a person.

31 Sec. 6. Section 351.33, Code 2014, is amended to read as  
32 follows:

33 **351.33 Rabies vaccination — requirement — exceptions.**

34 1. Every owner of a dog shall obtain a rabies vaccination  
35 for such animal. ~~It shall be unlawful for any person to own or~~

1 ~~have a dog in the person's possession,~~

2 2. Subsection 1 does not apply to a dog which is any of the  
3 following:

4 a. Less than six months of age or over, which has not been  
5 vaccinated against rabies.

6 b. Dogs kept Kept in kennels a kennel and not allowed  
7 to run at large shall not be subject to these vaccination  
8 requirements.

9 c. Issued a current rabies vaccination exemption certificate  
10 and rabies vaccination exemption tag as provided in section  
11 351.24.

12 Sec. 7. Section 351.35, Code 2014, is amended to read as  
13 follows:

14 351.35 How and when Method of vaccination — frequency —  
15 expiration of exemption.

16 1. The A rabies vaccination required by section 351.33  
17 shall be an injection of antirabies vaccine approved by the  
18 state department of agriculture and land stewardship, and the  
19 frequency of revaccination necessary for approved vaccinations  
20 shall be as established by such the department. The vaccine  
21 shall be administered by a licensed veterinarian and shall be  
22 given as approved by the state department of agriculture and  
23 land stewardship. The veterinarian shall issue a tag with the  
24 certificate of vaccination, and such tag shall at all times be  
25 attached to the collar of the dog.

26 2. A rabies vaccination exemption certificate and rabies  
27 vaccination exemption tag as provided in section 351.24 expire  
28 one year from the date of issuance. The vaccination exemption  
29 certificate and rabies vaccination exemption tag may be renewed  
30 on the same terms and conditions as originally issued.

31 Sec. 8. Section 351.37, Code 2014, is amended to read as  
32 follows:

33 351.37 Dogs running at large — impoundment — disposition.

34 1. A dog shall be apprehended and impounded by a local board  
35 of health or law enforcement official if the dog is running at



1 must issue a certificate of vaccination and rabies vaccination  
2 tag to the dog's owner (Code section 351.35), the department  
3 must set standards for vaccines (Code section 351.35), and a  
4 local authority has general enforcement authority including the  
5 power to seize and impound dogs (Code sections 351.26, 351.36,  
6 351.37, 351.39, and 351.40). In addition, a local authority  
7 may adopt additional measures to restrict not only dogs but  
8 other animals (such as cats or ferrets) as necessary to control  
9 rabies (Code section 351.41).

10 NEW EXEMPTION FOR ANIMALS THREATENED BY INJECTIONS. This  
11 bill provides a new exemption from rabies vaccination  
12 requirements for animals whose life or health would be  
13 threatened by a vaccination as determined by a licensed  
14 veterinarian. The veterinarian making such determination  
15 must issue a rabies vaccination exemption certificate and  
16 rabies vaccination exemption tag to the animal's owner. The  
17 certificate and tag remain valid for one year but may be  
18 renewed on an annual basis.

19 PROVISIONS REMAINING APPLICABLE. Provisions governing dogs  
20 which have been vaccinated apply to dogs which are exempt from  
21 vaccination. For example, a person could still kill a dog  
22 exempt from vaccination requirements for chasing livestock  
23 just as the person may kill a dog wearing a vaccination tag  
24 (Code section 351.27). A local authority could apprehend and  
25 impound a dog running at large even if the dog wore a rabies  
26 vaccination exemption tag just as it could impound a dog  
27 running at large without a tag (Code section 351.37).

28 CRIMINAL PENALTY. A person who fails to comply with the  
29 applicable provisions governing rabies vaccination requirements  
30 is guilty of a simple misdemeanor (Code section 351.43). A  
31 simple misdemeanor is punishable by confinement for no more  
32 than 30 days or a fine of at least \$65 but not more than \$625  
33 or by both.